

U.S. Department of Justice



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Address:
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July 25, 2013

Magistrate Judge Stephen L. Crocker
120 N. Henry Street, Room 320
Madison, Wisconsin 53703

Re: *United States v. Sinovel Wind Group Co., Ltd., et al*
13-cr-84-bbc

Dear Judge Crocker:

I am writing to notify you and opposing counsel regarding a request by the owner of a wind turbine in Massachusetts to AMSC to inspect a spare part in the owner's possession. The owner wants to determine whether the spare part has unauthorized software on it and whether the part can be used in the event it is needed in the future.

Sometime last week the government was contacted by AMSC regarding the possibility that the owners of the Massachusetts wind turbines may request a software upgrade in their wind turbines. At that time, the government notified AMSC that it could not interfere or advise AMSC on business decisions, but that the government would request 2 weeks advance notice of any upgrade of the software in the four Massachusetts wind turbine involved in this case so that it could provide notice to the Court and the defendant. The government also noted that it could not force AMSC or the owners of the wind turbines to provide the 2-week notice, particularly if there was an emergent or dire business reason(s) to proceed without providing the government the requested advanced notice. Shortly after the discussion with AMSC, the government directly contacted the owners of the four Massachusetts wind turbines and reiterated its position directly to the owners of the wind turbines.

On July 23, 2013, the government was notified that at least one owner of the four wind turbines in Massachusetts requested AMSC to determine whether unauthorized code exists on a spare part in the owner's possession. No specific date has been scheduled for the requested inspection. Based on this request, the government anticipates that the owners of the four wind turbines may request AMSC to inspect and/or upgrade the software in the four Massachusetts wind turbines. Therefore, in an

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abundance of caution, the government is providing the Court and opposing counsel with notice of the request to inspect the spare part and the possibility that the owners of the wind turbines may, in the future, request AMSC to inspect and/or upgrade the software in some or all of the four Massachusetts wind turbines at issue in this case.

In the event the defendant objects to the request to inspect or the possible future inspection/upgrade of the four Massachusetts wind turbines, the government respectfully requests the Court schedule a hearing on the matter and it reserves the right to oppose any objection if appropriate.

Very truly yours,

JOHN W. VAUDREUIL
United States Attorney

By: /s/

MUNISH SHARDA
Assistant United States Attorney

cc: Mr. Matthew J. Jacobs
Mr. Michael J. Fitzgerald
Mr. John P. Elwood
Ms. Amy Lamoreux Riella
Counsel for the defendant